

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

VERONICA VALENTINE,

Plaintiff,

vs.

**8 UNKNOWN JANE-JOHN DOE OMAHA
POLICE OFFICERS, LISA VILLWOK,
#1764, AND JENNIFER HANSEN, #1585
Defendants.**

8:16CV131

**MEMORANDUM
AND ORDER**

VERONICA VALENTINE,

Plaintiff,

vs.

**CITY OF OMAHA, CHIEF OF OMAHA
POLICE SCHMADER, UNKNOWN JOHN
JANE DOE POLICE, LISA VILLWOK,
AND #1764; and JENNIFER HANSEN,
#1585;**

Defendants.

8:16CV174

**MEMORANDUM
AND ORDER**

This matter is before the Court on Pro Se Plaintiff Veronica Valentine's Objection to Magistrate Judge's Order ("First Objection"), ECF No. 58 in 8:16cv131, ECF No. 59 in 8:16cv174, regarding an Order denying Plaintiff's Motion to Appoint Counsel, ECF No. 39 in 8:16cv131, ECF No. 41 in 8:16cv174; Plaintiff's Objection to Magistrate Judge's Order ("Second Objection"), ECF No. 56 in 8:16cv131, ECF No. 57 in 8:16cv174, regarding an Order denying Plaintiff's Motion to Compel Discovery and Motion for Miscellaneous Relief, ECF No. 53 in 8:16cv131, ECF No. 54 in 8:16cv174; and Plaintiff's Objection to Magistrate Judge's Order ("Third Objection") (collectively, the

“Objections”), ECF No. 59 in 8:16cv131, ECF No. 60 in 8:16cv174, regarding an Order Setting Schedule for Progression of Case (the “Progression Order”), ECF No. 57 in 8:16cv131, ECF No. 58 in 8:16cv174. For the reasons stated below, Plaintiff’s Objections will be overruled.

DISCUSSION

Plaintiff’s First Objection “appeal[s] all of [the] 12-8-16 order . . .” denying appointment of counsel, but her former Notice of Appeal (construed as an objection), ECF No. 42 in 8:16cv131, ECF No. 44 in 8:16cv174, has already objected to the same Order denying Plaintiff’s Motion to Appoint Counsel, ECF No. 39 in 8:16cv131, ECF No. 41 in 8:16cv174. Thus, Plaintiff’s First Objection is duplicative of her former Notice of Appeal, which this Court has already reviewed and overruled pursuant to Fed. R. Civ. P. 72(a).

Plaintiff’s Second Objection concerns her Motion to Compel Discovery, ECF No. 48 in 8:16cv131, ECF No. 50 in 8:16cv174, and her Motion requesting appointment of counsel and to certify class, ECF No. 50 in 8:16cv131, ECF No. 51 in 8:16cv174. Plaintiff’s Motion to Compel Discovery has become moot. Since filing her objection, the Progression Order has been issued permitting discovery to commence, ECF No. 57 in 8:16cv131, ECF No. 58 in 8:16cv174, and the evidence Plaintiff seeks pursuant to her Motion to Compel may be acquired during the ordinary course of discovery. Moreover, that part of the Order, ECF No. 53 in 8:16cv131, ECF No. 54 in 8:16cv174, denying appointment of counsel and class certification was not clearly erroneous or contrary to law. Fed. R. Civ. P. 72(a). Plaintiff’s Second Objection is, therefore, overruled.

Plaintiff's Third Objection "appeal[s] all of the [Progression Order]." The Progression Order set dates for the progression of the case, denied Plaintiff's Motion to Compel, ECF No. 54 in 8:16cv131, ECF No. 55 in 8:16cv174, and denied Plaintiff's Motion requesting the court set a time to meet and confer under Fed. R. Civ. P. 26, ECF No. 55 in 8:16cv131, ECF No. 56 in 8:16cv174. Plaintiff may now acquire the evidence sought in her Motion to Compel during the ordinary course of discovery and pro se cases are exempt from the disclosure and conference requirement of Fed. R. Civ. P. 26. Plaintiff's Third Objection is, therefore, overruled pursuant to Fed. R. Civ. P. 72(a) as no part of the Progression Order is clearly erroneous or contrary to law. Accordingly,

IT IS ORDERED:

1. Plaintiff's Objection, ECF No. 58 in 8:16cv131, ECF No. 59 in 8:16cv174, to Magistrate Judge's Order denying Plaintiff's Motion to Appoint Counsel, ECF No. 39 in 8:16cv131, ECF No. 41 in 8:16cv174, is overruled.
2. Plaintiff's Objection, ECF No. 56 in 8:16cv131, ECF No. 57 in 8:16cv174, to Magistrate Judge's Order denying Plaintiff's Motion to Compel and Motion for Miscellaneous Relief, ECF No. 53 in 8:16cv131, ECF No. 54 in 8:16cv174, is overruled.
3. Plaintiff's Objection, ECF No. 59 in 8:16cv131, ECF No. 60 in 8:16cv174, to Magistrate Judge's Order Setting Schedule for Progression of Case, ECF No. 57 in 8:16cv131, ECF No. 58 in 8:16cv174, is overruled.

Dated this 8th day of February, 2017.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge